

COMMISSION ON JUDICIAL PERFORMANCE
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JUDICIAL PERFORMANCE COMMISSION ISSUES
PUBLIC ADMONISHMENT OF
COMMISSIONER ALAN H. FRIEDENTHAL

The Commission on Judicial Performance has publicly admonished Commissioner Alan H. Friedenthal of the Los Angeles County Superior Court.

The commission determined that Commissioner Friedenthal should be severely publicly admonished for misconduct in five family law cases over which he presided between June 2007 and January 2009. The commissioner's misconduct included making discourteous, undignified, gratuitous and denigrating remarks to litigants, attorneys and related parties, and attempting to engage in humor at the expense of litigants. The commissioner also repeatedly brought up in court complaints about him that litigants had filed with the court. He also commented on internet postings by litigants about his handling of cases. The commission determined that this conduct reflected embroilment and conveyed the appearance of bias and, in some instances, constituted improper ex parte communication. The commissioner also was disciplined for independently investigating facts and for failing to disclose on the record information that was reasonably relevant to the question of disqualification.

With respect to the commissioner's treatment of individuals in the proceedings, the commission quoted from *Inquiry Concerning Judge Bruce Van Voorhis*, 48 Cal.4th CJP Supp. 257 (2003):

When a judge lashes out in anger or frustration or personally attacks an attorney or becomes embroiled in a matter, the judge abandons his or her judicial role. This is not to suggest that judges do not become frustrated or angry. The California Code of Judicial Ethics, however, restrains the way a judge may manifest anger or frustration. For example, canon 2A states that a judge "shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary," and canon 3B(4) provides that a judge "shall be" patient, dignified and courteous. Although any evaluation of a judge's conduct should consider the context in which the conduct took place, the canons apply even when a judge is angry or frustrated. (48 Cal.4th CJP Supp. at p. 274.)

In deciding to issue a public admonishment, the commission took into account that the misconduct was serious and not momentary or isolated. The decision noted that in February 2009, the Los Angeles County Superior Court reassigned Commissioner Friedenthal to a department where he no longer presides over family law matters.

The public admonishment is available on the commission's website at www.cjp.ca.gov (under "Press Releases" and "Public Discipline – 1960 to Present") and from the commission's office.

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The commission is composed of three judges, two lawyers, and six public members. The Chairperson is Lawrence J. Simi of San Francisco, California.

For further information about the Commission on Judicial Performance, see the commission's website.